IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20386 OF 2005

Between:

S.Srinivasulu, S/o.Raghunadhaiah,

Occ: Senior Assistant in Forest Department,

R/o.S.V.Nagar, R.S.Road,

Rajampet Forest Division,

Rajampet (PO), Kadapa District.

..... PETITIONER

AND

The Principal Chief Conservator of Forests,

Aranya Bhavan, Hyderabad, and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

WRIT PETITION No.20386 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by the order in O.A.No.3346 of 2002, dated 23.09.2004 of the A.P. Administrative Tribunal, the unsuccessful applicant therein preferred the present writ petition.

The applicant was initially appointed as Junior Assistant in the Forest Department in Cuddapah District. He was subsequently promoted as Senior Assistant. Subsequently, a complaint dated 15.12.1997 was received stating that the petitioner was not qualified for promotion as Senior Assistant since he did not pass the departmental tests and produced a false certificate to the effect that he had passed the departmental test.

A departmental enquiry was conducted into the above-mentioned allegations. The enquiry officer found the petitioner guilty of the charge for production of a forged document. Consequent upon the finding of the enquiry officer, the petitioner was dismissed from service.

Challenging the dismissal order, the petitioner approached the A.P. Administrative Tribunal vide above-mentioned O.A. unsuccessfully and hence the present writ petition.

Learned counsel for the petitioner submitted that though he had produced the original certificate to the concerned authorities indicating that he had passed the departmental tests, the same was not considered by either the enquiry officer or the disciplinary authority, and therefore, the order of dismissal is vitiated. However, the Tribunal recorded that it was specifically stated in the counter-affidavit filed by the respondents that when the petitioner attended the enquiry on 17.02.1999 before the 3rd respondent, he stated that he had already handedover the original certificates in the office of the Divisional Forest Officer, Rajampet, but he has not specifically stated as to whom the certificate was handedover. It is further stated in the counter-affidavit that at that stage, a final notice dated 17.08.1999 was issued to the petitioner calling upon him to produce the original certificate, but he failed to respond to the notice.

In the above-mentioned background, the Tribunal recorded that the only submission made by the learned counsel appearing for the petitioner before the Tribunal was that the punishment awarded is excessive. The relevant portion of the order of the Tribunal reads as follows:

> "Initially, learned counsel for the applicant sought to submit that enquiry was not at all conducted and enquiry officer did not follow the procedure. At the end, he has submitted that the punishment of dismissal is very harsh and not warranted by the facts and circumstances of the case. ....."

We do not find any error of jurisdiction or illegality in the order of the Tribunal as essentially it is a question of fact whether the petitioner produced the original certificate indicating that he had the requisite qualification for securing the promotion. Even in the present writ petition, learned counsel for the petitioner could not point out any material to establish the fact that the original certificate was handedover to the respondents. No acknowledgment by the respondents is placed on record.

In the circumstances, we do not see any merit in the writ petition and the same is dismissed at the stage of admission itself.

JUSTICE J.CHELAMESWAR

JUSTICE RAMESH RANGANATHAN

17th OCTOBER, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

WRIT PETITION No.20386 OF 2005

(Per Sri Justice J.Chelameswar)

17th OCTOBER, 2005